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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10 073,796	02 11 2002	Donald L. Schilling	1-2-74,5US	9004
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VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

EXAMINER

FRANKLIN, JAMARA ALZAIDA

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 03 28 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Art Unit

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Certified copies of the priority documents have been received in this National Stage.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

- a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachments

1. ☐ Notice of Draftsperson's Patent Drawing Review (PTO 442)
2. ☐ Information Disclosure Statement(s) (PTO 1449) Paper No(s) _____

3. ☐ Other _____

Office Action Summary

Part of Paper No _____

DETAILED ACTION

Acknowledgment is made of the receipt of the amendment filed on 12/07/02. Claims 1-20 are currently pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 10-17, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bishop et al. (US 4,965,821) (hereinafter referred to as 'Bishop') in view of Stuckert (US 4,277,837).

Bishop teaches an automobile 12 equipped with a charge card cellular mobile radiotelephone (CMR) 16. A radio frequency transmission between an antenna 18 installed on an automobile 12 and a cellular base station antenna 20 electromagnetically couples a CMR 16 to cellular base station 22. A card reader 234 reads data, including personal identification information, stored on a charge card 236 to pay for rental charges of the automobile 12 (col. 4, lines 46-50 and col. 6, lines 26-32).

interaction from the user after initiating the wireless telephone call.

Stuckert teaches a portable terminal device for selectively debiting a terminal user (col. 4, lines 6-23).

One of ordinary skill in the art would have readily recognized that reducing the steps needed to complete a transaction would have been advantageous for saving time and energy required to carry out the desired task. Therefore, it would have been obvious, at the time the invention was made, to modify the teaching of Bishop with aforementioned teachings of Stuckert.

3. Claims 8, 9, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop/Stuckert in view of Takizawa (US 5,046,125). The teachings of Bishop/Stuckert have been discussed above.

Bishop/Stuckert lack the teaching of the personal access number of the radio unit changing in response to a received signal after the user is permitted to engage in the local transaction.

Takizawa teaches a method wherein a first lock code is immediately replaced with a second lock code to inhibit an unauthorized person from unlocking the equipment (col. 4, lines 24-32).

One of ordinary skill in the art would have readily recognized that changing the personal access number would have been beneficial for added security which would have kept the radio

teachings of Takizawa.

Response to Arguments

4. Applicant's arguments with respect to independent claims 1 and 11 have been considered but are moot in view of the new ground(s) of rejection.

The newly added limitation citing "...without further interaction from the user after initiating the wireless telephone call" prompted the examiner to make a new ground of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

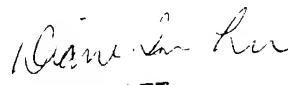
The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

Application/Control Number: 10/073,796
Art Unit: 2876

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703)308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Jamara A. Franklin
Examiner
Art Unit 2876


DIANE I. LEE
PRIMARY EXAMINER

JAF
March 14, 2003